

### REMARKS

Claims 1, 4, 6, 8, 12, 17, 20, 26, 27, 29-31, 38-40, 45, 47-50 and 58-62 were rejected under 35 U.S.C § 103(a) as being unpatentable in view of Ohkado (U.S. 2001/0047626), hereinafter *Ohkado*, and further in view of Caviedes (U.S. 6,646,673), hereinafter *Caviedes*. Claims 5, 32 and 55 were rejected under 35 U.S.C § 103(a) as being unpatentable in view of Ohkado and Caviedes in view of Taylor, et al. (U.S. 6,147,773), hereinafter *Taylor*. Claims 7, 54 and 57 were rejected under 35 U.S.C § 103(a) as being unpatentable in view of Ohkado and Caviedes in view of Flowers, et al. (U.S. 2003/0105812), hereinafter *Flowers*. Claims 9-11 were rejected under 35 U.S.C § 103(a) as being unpatentable in view of Ohkado and Caviedes in view of Quillen, et al. (U.S. 2004/0103156), hereinafter *Quillen*. Claims 13, 14, 28, 36, 47 and 46 were rejected under 35 U.S.C § 103(a) as being unpatentable in view of Ohkado and Caviedes in view of Amro (U.S. 5,699,535), hereinafter *Amro*. Claims 15 and 16 were rejected under 35 U.S.C § 103(a) as being unpatentable in view of Ohkado and Caviedes in view of Brown (U.S. 7,146,573), hereinafter *Brown*. Claims 33 and 34 were rejected under 35 U.S.C § 103(a) as being unpatentable in view of Ohkado and Caviedes and Taylor in view of Brown. Claims 56 were rejected under 35 U.S.C § 103(a) as being unpatentable in view of Ohkado and Caviedes and Taylor.<sup>1</sup>

By this amendment claims 1, 17, 29, 38 and 63 have been amended, and claims 64-66 have been added.<sup>2</sup> Claims 59-61 have been cancelled. Accordingly, claims 1, 4-17, 20, 26-34, 36-40, 45-50, 54-58 and 62-66 are pending, of which claims 1, 17, 29 and 38 are the only independent claims at issue.

The present invention is generally directed to automatically adjusting the one or more user interfaces based on the user's level of interaction over a period of time. For example, claim 1 defines displaying an intermediate representation of a user interface for real time communication, the intermediate representation including a text input box, a conversation window and at least a portion of a received real time message. Next, claim 1 defines monitoring all types of user interaction with the

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Support for the amendments to the claims and for the new claims is found throughout the specification and previously presented claims, including but not limited to paragraphs [0011], [0038], [0039], [0041]-[0044], [0049], [0055] and Figures 3A-3C & 6.

intermediate representation of the user interface over a period of time determining an overall level of user interaction with the intermediate representation of the user interface based on a combination of all monitored user interactions with the user interface within the period of time. Next, claim 1 defines determining the location and size of any other application windows that are being displayed in addition to the intermediate representation.

Claim 1 further defines automatically adapting the user interface to the user's activity level by performing at least one of based on the determined overall level of user interaction, and without any explicit user input indicating that the intermediate representation is to be enlarged, automatically enlarging the size of the intermediate representation of the user interface to an enlarged representation appropriate for a high determined overall level of interaction, wherein the intermediate representation is enlarged without obstructing other windows in accordance with the determined location of the other windows, wherein the enlarged representation includes the text input box, and based on the determined overall level of user interaction, and without any explicit user input indicating that the intermediate representation is to be reduced, automatically reducing the size of the intermediate representation of the user interface to a reduced representation appropriate for a low determined overall level of interaction.

Lastly, claim 1 defines determining that the overall level of user interaction is sufficient to expand and separate the conversation window of the intermediate representation from the intermediate representation itself, such that the conversation window appears as a separate interface, expanding the conversation window beyond the window borders of the intermediate representation, such that the conversation window's borders extend at least one of horizontally and vertically beyond the window borders of the intermediate representation and separating the conversation window from the intermediate representation, such that the conversation window appears as a separate interface in addition to the intermediate representation of the user interface.

Claim 17 is a method claim directed to simplifying user interaction with one or more real time communication user interfaces by adapting the one or more user interfaces to the user's activity level measured over a period of time. Claim 29 is a computer program product claim corresponding to claim 1. Claim 38 is computer program product claim corresponding to claim 17.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

### **35 U.S.C. 102 and 103 Rejections**

*Ohkado* describes a method for controlling an instant messaging (IM) window. The IM window is automatically enlarged when the volume of the contents to be displayed reaches a predetermined value (par. [0010]). If a user selects a "clear" button, the window shrinks to a minimum size (par. [0037]). The size of the window is calculated based on the number of lines after the addition of a message input by a user (par. [0035]). Thus, the window is enlarged when additional lines of text are typed by the user and is reduced to the minimum size when the user clears the text by selecting the "clear" button (par. [0035]-[0037]). *Ohkado* is silent on determining an overall level of user interaction with an application window based on various forms of user interaction and is further silent on automatically adjusting application window size based on the overall level of user interaction. *Ohkado* calculates the window size solely on the number of displayed lines of text or whether the "clear" button has been pressed.

*Ohkado* also teaches a window controlling method to ensure that a window of the application program (e.g. the chat program) is always displayed adjacent to (e.g. not overlapping) a window of another application program (par. [0018]). The window controlling method allows a user to specify settings to use when another application window is detected. The settings "On an object window," "Under an object window," and "On a title bar of an object window" indicate the position of the chat window in relation to the other detected application window, so that window overlapping may be avoided. The settings do not refer to where a user can place different portions of the chat window. *Ohkado* is silent on expanding a conversation window horizontally or vertically beyond the window borders of the chat program. *Ohkado* is further silent on separating a conversation window from an intermediate representation to where the conversation window appears as a completely separate window.

*Caviedes* is cited mainly to show a system that monitors and can determine an overall level of user interaction. *Caviedes* describes a monitoring unit for locally deriving activity information about an associated user (Col. 4:35-38). During a user session, a timer is set at each monitored terminal that

triggers each second. On the trigger, the monitoring unit determines whether the user is talking or silent or whether keyboard strokes are being input or not (Col. 4:40-45). From this, the monitoring unit can determine whether the user is interacting with the system or not. Like *Ohkado*, *Caviedes*, as well as the other cited art of record, fails to teach or suggest "determining that the overall level of user interaction is sufficient to expand and separate the conversation window of the intermediate representation from the intermediate representation itself, such that the conversation window appears as a separate interface, expanding the conversation window beyond the window borders of the intermediate representation, such that the conversation window's borders extend at least one of horizontally and vertically beyond the window borders of the intermediate representation and separating the conversation window from the intermediate representation, such that the conversation window appears as a separate interface in addition to the intermediate representation of the user interface", as recited in claim 1.

Accordingly, and at least for any of the above reasons, claim 1 patentably defines over the art of record. At least for any of these reasons, claims 17, 29 and 38 also patentably define over the art of record. Since each of the dependent claims depend from one of claims 1, 17, 29 and 38, each of the dependent claims also patentably define over the art of record for at least either of the same reasons.

Although each of the dependent claims patentably define over the prior art of record for the same reasons as their corresponding base claims, many of the dependent claims also independently distinguish over the prior art of record. For example, the prior art of record fails to disclose or suggest wherein a second, different user interface is automatically inserted into the intermediate representation of the user interface in place of the separated conversation window, as recited in claim 65.

### **35 U.S.C. 112 Rejections**

Claims 59-63 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 59-61 have been cancelled, rendering the rejections to these claims moot. Claim 62 was rejected as being dependent on rejected claim 61. Because claim 62 is no longer dependent on claim 61, this rejection is also now moot. Claim 63 has been amended to include proper antecedent basis for each of the claims' limitations. Accordingly, Applicants respectfully request that the 35 U.S.C. § 112, second paragraph, rejection of claims 59-63 be withdrawn.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 24<sup>th</sup> day of November, 2008.

Respectfully submitted,

/GREGORY R. LUNT/

RICK D. NYDEGGER  
Registration No. 28,651  
GREGORY R. LUNT  
Registration No. 57,354  
Attorneys for Applicant  
Customer No. 47973

GRL:jml  
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